

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/5/2020

-v-

ORDER
17 CR 444 (RMB)

CARLOS TORRES,

Defendant.

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On February 4, 2020, Carlos Torres's Criminal Justice Act counsel, Stewart Orden, responded to Torres's letter, dated August 28, 2019, in which Torres inquired “[w]hether or not *Rehaif v. United States*, 17-9560 (June 21, 2019) applies [sic] to [his] case?” See Def. Letter, dated Aug. 5, 2019. Mr. Orden advised that he is “no longer a member of the CJA panel,” and that it is his understanding that his “representation of [Torres] terminated after the time for an appeal expired.” See Orden Letter, dated Feb. 4, 2020.

On September 10, 2019, the Government filed a letter, also in response to Torres's letter, arguing that “while the Supreme Court’s decision in *Rehaif* applies to the defendant’s case, the procedural posture of the case, coupled with [Defendant’s] admission that he had been convicted of a drug crime and that he was serving a term of supervised release, makes a Section 2255 nearly futile.” See Gov’t Letter, dated Sept. 10, 2019, at 3.

The Court cannot provide legal advice to Mr. Torres, see *McFadden v. City of New York*, 19-cv-5508 (VSB), 2019 WL 6528673, at *2 (S.D.N.Y. Dec. 4, 2019), and cannot resolve these issues at this time. The Court respectfully suggests that Mr. Torres contact the Pro Se Clerk’s Office at the United States Courthouse, 500 Pearl Street, New York, N.Y. 10007,

telephone number (212) 805-0175, who may be able to advise Mr. Torres on the procedure for filing a § 2255 petition if that is what Mr. Torres decides to do.

Dated: New York, New York

February 5, 2020


RICHARD M. BERMAN